United Nations CTOC/COP/WG.6/2014/4

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Report on the meeting of the Working Group on Firearms held in Vienna from 26 to 28 May 2014

I. Introduction

1. In its resolution 5/4, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime and rule 2, paragraph 2, of the rules of procedure of the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

2. In that resolution, the Conference also decided that the working group should perform the following functions: (a) facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners; (b) make recommendations to the Conference on how States parties could better implement the provisions of the Firearms Protocol; (c) assist the Conference in providing guidance to its secretariat on the activities of the Secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol; and (d) make recommendations to the Conference on how the working group could better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol.

3. In its resolution 6/2, entitled "Promoting accession to and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", the Conference expressed its appreciation for the work of the Working Group on Firearms at its first meeting,

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held in Vienna on 21 and 22 May 2012, and took note of the recommendations contained in its report (CTOC/COP/2012/6). In the same resolution, the Conference requested the Working Group to continue advising and assisting the Conference in the implementation of its mandate with regard to the Firearms Protocol, in accordance with Conference resolution 5/4, and decided that the Working Group should hold at least one intersessional meeting.

4. Also in its resolution 6/2, the Conference invited the Working Group to consider practical proposals for implementing the recommendations formulated at its first meeting and encouraged States, through the Working Group, to present their views and comments on the implementation of the Firearms Protocol, including those relating to factors that might impede accession, ratification or implementation, as well as on its strong points, good practices and progress made with its application, with a view to achieving closer cooperation on preventing, combating and eradicating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

5. Furthermore, in the same resolution, the Conference requested the Secretariat to inform the Working Group about the activities of the United Nations Office on Drugs and Crime (UNODC) to assist the Conference in promoting and supporting the implementation of the Firearms Protocol, coordination with other relevant international and regional organizations, best practices in the areas of training and capacity-building, and awareness-raising strategies to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

II. Recommendations

6. At its meeting held in Vienna from 26 to 28 May 2014, the Working Group on Firearms adopted the recommendations presented below.

A. General recommendations

Recommendation 1

The Conference may wish to encourage States to continue to implement the recommendations adopted by the Working Group at its first meeting, which were reaffirmed by the Group at its second meeting.

B. Promoting universal adherence to the Firearms Protocol

7. Acknowledging the importance of the Firearms Protocol as the only global legally binding instrument to prevent and combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the Working Group made the following recommendations:

Recommendation 2

The Conference may wish to welcome the increased rate of ratifications of and accessions to the Firearms Protocol and should call upon States that have not yet done so to consider becoming parties to the Firearms Protocol.

C. Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations

8. Emphasizing the importance of States' putting in place adequate legislative frameworks, including appropriate criminalization provisions, enhanced technical capacities and skills of practitioners for conducting complex criminal investigations on illicit firearms trafficking and related serious crimes, and of their engaging in more comprehensive international cooperation in criminal matters, including through more effective marking, record-keeping and tracing practices, and recognizing the usefulness of relevant tools such as the *Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto* and the *Model Law against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*, and the use of forensic and ballistic information and joint investigative teams, the Working Group made the following recommendations:

1. Strengthening national legislation

Recommendation 3

The Conference should call upon States parties that have not yet done so to review and strengthen their national legislation, consistent with the Firearms Protocol, inter alia through adequate criminalization provisions and appropriate sanctions, commensurate with the nature and gravity of the offence.

2. Investigation and prosecution

Recommendation 4

The Conference may wish to urge States parties to consider the use of available tools, including those for marking and record-keeping, to facilitate the tracing and investigation of firearms trafficking.

Recommendation 5

The Conference may wish to encourage the use of forensic and ballistic tools to promote cooperation among States in international firearms trafficking investigations.

Recommendation 6

The Conference may wish to urge States parties to develop and provide training programmes to build capacities for relevant government authorities, including law enforcement, customs, prosecution and judicial authorities, on firearms trafficking investigations and related matters.

3. Tracing and international cooperation

Recommendation 7

The Conference may wish to encourage States parties to comprehensively trace all firearms that may have been illicitly manufactured or trafficked.

Recommendation 8

The Conference may wish to encourage States parties to conduct continuous capacity-building and training activities for law enforcement, judicial and customs authorities on the identification and tracing of firearms.

Recommendation 9

The Conference may wish to encourage States parties to promote the regular exchange of experiences on different methods and tools to combat the illicit trafficking in firearms, their parts and components and ammunition, including marking in accordance with the Firearms Protocol.

D. Monitoring illicit trafficking flows in firearms at the national, regional and global levels

9. Recognizing that it is important for States to enhance their national capacities to collect and analyse firearms statistics and data, and the usefulness of monitoring illicit trafficking flows at the national, regional and international levels, with a view to enhancing global knowledge and identifying possible trends, patterns and modi operandi in illicit firearms trafficking, as well as facilitating the exchange of information among States; welcoming the progress made on the global study on firearms trafficking, conducted by UNODC pursuant to Conference resolutions 5/4 and 6/2; and taking note of its preliminary findings, the Working Group made the following recommendations:

Recommendation 10

The Conference may wish to encourage States parties to develop or strengthen coordination among relevant and competent national authorities, with a view to enhancing capacities for statistics and data collection, analysis and information-sharing related to illicit firearms trafficking.

Recommendation 11

The Conference may wish to encourage Member States to share information on the terms and concepts they use in relation to firearms, their parts and components and ammunition, with a view to establishing equivalent terminology and facilitating the tracing of firearms.

Recommendation 12

The Conference may wish to call upon Member States to strengthen the capacities of practitioners to make the best use of available tools to identify and trace firearms, in a manner consistent with the Firearms Protocol.

Recommendation 13

The Conference may wish to encourage UNODC to continue its efforts towards completing the global study on firearms and to invite Member States to participate in and to contribute to the global study, as appropriate.

Recommendation 14

The Conference may wish to invite Member States to continue providing information to UNODC on illicit trafficking in firearms, based on the questionnaires issued for the global study on firearms.

Recommendation 15

The Conference may wish to encourage UNODC and States parties to cooperate with all relevant stakeholders, as appropriate, in the gathering of statistical information and analysis related to illicit trafficking in firearms.

E. Challenges and good practices in the prevention of the illicit manufacturing of firearms

10. Emphasizing that it is important for States parties to keep abreast of emerging technologies and trends related to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, the Working Group made the following recommendations:

Recommendation 16

The Conference may wish to encourage States parties to establish and strengthen their national system of export and import licensing or authorization over firearms, their parts and components and ammunition, in accordance with the Firearms Protocol, with a view to preventing the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Recommendation 17

The Conference may wish to encourage States parties to review their national legislation to ensure its adequacy in the light of new and emerging trends and technologies for firearms manufacturing or trafficking.

Recommendation 18

The Conference may wish to request UNODC and to encourage States parties to cooperate with all relevant stakeholders in the field of awareness-raising related to the illicit manufacturing of and trafficking in firearms, in particular with the private sector, academia, civil society and the media.

F. Recommendations on the provision of technical assistance

Recommendation 19

The Conference may wish to acknowledge the work carried out by the UNODC Global Firearms Programme to raise knowledge and awareness of the Firearms Protocol, and to request UNODC to continue to make efforts to promote and facilitate ratification and implementation of the Protocol, especially in regions with low ratification rates.

Recommendation 20

The Conference may wish to recommend that the Secretariat should continue to provide technical assistance and build capacity for the implementation of the Firearms Protocol.

Recommendation 21

The Conference may wish to encourage Member States and other donors to consider providing extrabudgetary resources to UNODC for the provision of technical and legislative assistance to Member States, upon request, to accede to and implement the Firearms Protocol.

G. Future work of the Working Group

11. Welcoming the fruitful discussions of the Working Group and recognizing its important role as facilitator in the exchange of expertise and knowledge among practitioners on ways to enhance the implementation of the Firearms Protocol, and concerned by the lack of adequate resources to support the work of the Working Group, the Group made the following recommendations:

Recommendation 22

The Conference may wish to acknowledge the work of the Working Group and to encourage States to continue using the Group to exchange views and comments with regard to the Firearms Protocol, including on challenges faced in the ratification and implementation of the Protocol, as well as on good practices and successes in its implementation, with a view to reinforcing cooperation to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Recommendation 23

The Conference may wish to endorse the recommendations adopted by the Working Group and to take note of the fruitful exchange of information concerning good practices and experiences, including contributions from Member States and other relevant stakeholders facilitated in the Working Group.

Recommendation 24

The Conference may wish to consider options regarding adequate resources and cost-efficiencies to support the work of the Working Group.

Recommendation 25

The Conference may wish to call upon States parties to continue seeking the cooperation of licensed manufacturers in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, including in view of the deliberations of the Working Group.

Recommendation 26

Recalling Conference resolution 5/4 and taking into consideration articles 32 and 37 of the Convention, the Conference may wish to request States parties and UNODC to continue to promote the full implementation of the Convention and of the Firearms Protocol, with a view to identifying successful practices, weaknesses, gaps and challenges, as well as priority issues and topics of relevance in the fight against trafficking in firearms.

Recommendation 27

The Conference may wish to consider initiating discussions regarding a possible workplan for the future meetings of the Working Group on Firearms.

III. Organization of the meeting

A. Opening of the meeting

12. The second meeting of the Working Group on Firearms was held in Vienna from 26 to 28 May 2014.

13. The meeting was opened by Cecilia Villanueva Bracho (Mexico), Chair of the Working Group. She addressed the meeting and presented an overview of the mandate of the Group, its objectives and the subject matters under its consideration.

14. Under agenda item 1 (b), statements were made by representatives of the following States parties to the Firearms Protocol: Algeria, Ecuador and Romania. The European Union, a regional economic integration organization that is a party to the Firearms Protocol, also made a statement. A statement was made by the observer for Canada, a signatory State. A statement was also made by the observer for the United States of America.

15. At the opening of the meeting, a statement was made by the representative of Indonesia (on behalf of the Group of 77 and China). Statements were also made by representatives of the following States parties to the Firearms Protocol: Switzerland and Ecuador. The European Union also made a statement.

16. An opening statement was made by the Chief of the Organized Crime and Illicit Trafficking Branch.

B. Statements

17. The Secretariat made introductory statements under agenda items 2, 3 and 4.

18. With the Chair presiding, the discussion under items 2, 3 and 4 was led by the following panellists: William F. Kullman (United States), Mauro Silvis (Italy), Jeffrey B. Stirling (International Criminal Police Organization (INTERPOL)), Francesco Troja (European Union), Salvatore Cannata (Eurojust), Matías Molle (Argentina), Santiago Balza (Argentina), Ovidiu Enache (Romania) and Glenn McDonald (Switzerland).

19. Statements were made by representatives of the following States parties to the Firearms Protocol: Costa Rica, Kenya, Italy, Mexico, Nicaragua, Peru, Guatemala, Algeria, Argentina, Chile, Switzerland, Trinidad and Tobago, Spain, Bulgaria, Ecuador, Austria, Brazil, Lebanon, Venezuela (Bolivarian Republic of), El Salvador, Romania, Uruguay, Cuba and Norway. The European Union, a regional economic integration organization that is a party to the Firearms Protocol, also made a statement.

20. The observers for the signatory States Canada and China made statements.

21. Statements were also made by the observers for the United States, Iran (Islamic Republic of), France, the Russian Federation, Pakistan and Colombia.

22. Statements were also made by the Regional Arms Control Verification Implementation Assistance Centre (RACVIAC) and the World Customs Organization (WCO).

C. Adoption of the agenda and organization of work

23. At its 1st meeting, on 26 May 2014, the Working Group adopted by consensus the following agenda:

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda and organization of work.
2. Challenges and good practices in the criminalization, investigation and prosecution of illicit firearms trafficking, and measures to enhance international cooperation in criminal matters, including through effective tracing of firearms in ongoing investigations.
3. Monitoring illicit trafficking flows in firearms at the national, regional and global levels.
4. Challenges and good practices in the prevention of the illicit manufacturing of firearms.
5. Other matters.
6. Adoption of the report.

D. Attendance

24. The following States parties to the Firearms Protocol were represented at the meeting: Algeria, Argentina, Armenia, Austria, Belarus, Belgium, Bosnia and

Herzegovina, Brazil, Bulgaria, Burkina Faso, Chile, Costa Rica, Cuba, Cyprus, Ecuador, El Salvador, Guatemala, Iraq, Italy, Kenya, Latvia, Lebanon, Libya, Mexico, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Oman, Panama, Peru, Poland, Portugal, Romania, Saudi Arabia, Slovakia, Slovenia, Spain, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Uruguay and Venezuela (Bolivarian Republic of).

25. The European Union, a regional economic integration organization that is a party to the Firearms Protocol, was represented at the meeting.

26. The following States signatories to the Firearms Protocol were represented by observers: Australia, Canada, China and Germany.

27. The following States that are not parties or signatories to the Firearms Protocol were represented by observers: Bolivia (Plurinational State of), Colombia, Egypt, France, Indonesia, Iran (Islamic Republic of), Jordan, Pakistan, Philippines, Russian Federation and United States.

28. The State of Palestine, a non-Member State maintaining a permanent observer mission to the United Nations, was represented at the meeting.

29. The following intergovernmental organizations were represented by observers: RACVIAC, Eurojust, INTERPOL, Organization for Security and Cooperation in Europe, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and WCO.

30. A list of participants is contained in document CTOC/COP/WG.6/2014/INF/1/Rev.1.

E. Documentation

31. The Working Group had before it the following documents:

(a) Provisional agenda and annotations (CTOC/COP/WG.6/2014/1);

(b) Challenges and good practices in countering illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and measures to facilitate the implementation of the Firearms Protocol (CTOC/COP/WG.6/2014/2);

(c) Activities of the United Nations Office on Drugs and Crime to promote and support the ratification and implementation of the Firearms Protocol (CTOC/COP/WG.6/2014/3).

IV. Adoption of the report

32. On 28 May 2014, the Working Group adopted the report on its meeting (CTOC/COP/WG.6/2014/L.1, as orally amended).